

REMARKS

Claims 18 to 32 are now pending. No new matter has been added.

Applicants respectfully request reconsideration of the present application in view of this response.

35 U.S.C. § 112, first paragraph

Claims 24 to 28 were rejected under 35 U.S.C. §112, first paragraph, for lack of written description. The Office Action refers to the recitation of “interrelated communications data records” in claim 24. The feature of “interrelated communications data records” is supported by the originally filed U.S. Specification throughout including at page 12, line 35 et seq. and pages 2-3. In addition this feature is supported by the Revised Pages accompanying the International Preliminary Examination Report – which should have been transmitted by the International Bureau to the U.S. PCT National Office. An English translation of the Revised Pages and International Preliminary Examination Report to the underlying International Patent Application PCT/EP00/01809 was submitted by Applicants with Applicants’ last Response dated December 18, 2003. Please see at least pages 6 to 11 of the Revised Pages. Accordingly, Applicants respectfully submit that claims 24 to 28 are properly supported by the Specification of Record and that no new matter has been added. Withdrawal of the rejection of claims 24 to 28 under 35 U.S.C. § 112, first paragraph, is respectfully requested.

Claims 29 to 32 were rejected under 35 U.S.C. §112, first paragraph, for lack of written description. The Office Action refers to the recitation of “generating a plurality of interrelated and connection-related communications data records... recognizing interrelated communications data records...” in claim 29. The feature of “interrelated communications data records” in this context is supported by the originally filed (in the U.S.) Specification throughout including at page 12, line 35 et seq. In addition, as discussed above, this feature is supported by the Revised Pages accompanying the International Preliminary Examination Report (IPER) to the underlying International Patent Application PCT/EP00/01809 – which should have been transmitted by the International Bureau to the U.S. PCT National Office. Applicants respectfully refer the Patent Office to pages 6-11 of the English translated Revised Pages to the IPER. Accordingly, Applicants respectfully submit that claims 29 to 32 are properly supported by the Specification of Record and that no new matter has been added. Withdrawal of the rejection of claims 29 to 32 under 35 U.S.C. § 112, first paragraph, is

respectfully requested.

35 U.S.C. § 132 – Substitute Specification

The Substitute Specification submitted by Applicants on December 18, 2003 was objected to under 35 U.S.C. § 132 for including new matter. Specifically, the Substitute Specification was objected to for including the material at page 1, lines 24-28, page 5, line 8; and page 8, lines 8-10. That material, among other places, is supported by the Revised Pages accompanying the International Preliminary Examination Report – which should have been transmitted by the International Bureau to the U.S. PCT National Office. An English translation of the Revised Pages and International Preliminary Examination Report was submitted by Applicants with Applicants' last Response dated December 18, 2003. Please refer to the English-translated Revised Pages at page 1, lines 22-27; page 4, line 17; and page 6, lines 8-11. Accordingly, Applicants respectfully submit that the Substitute Specification is properly supported by Applicants' Submissions to the International Bureau, and that no new matter has been added. Withdrawal of the objection to the Substitute Specification, and an entering of Applicants' Substitute Specification submitted on December 18, 2003 is respectfully requested.

For the Patent Office's convenience, Applicants' Substitute Specification submitted on December 18, 2003 is resubmitted above. No new matter has been added. In accordance with 37 C.F.R. § 1.121(b)(3), the Substitute Specification (including the Abstract, but without the claims) contains no new matter. The amendments reflected in the Substitute Specification (including Abstract) are to conform the Specification and Abstract to U.S. Patent and Trademark Office rules or to correct informalities. As required by 37 C.F.R. § 1.121(b)(3)(iii) and § 1.125(b)(2), a Marked Up Version Of The Substitute Specification comparing the Specification of record and the Substitute Specification also accompanies this Amendment. In the Marked Up Version, double-underlining indicates added text and strikeouts indicate deleted text. Approval and entry of the Substitute Specification (including Abstract) is respectfully requested.

35 U.S.C. § 102(b) – Chin reference

Claims 18 to 23 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,729,588 to Chin et al. (“Chin reference”).

Applicants respectfully submit that the Chin reference does not render anticipated claims 18 to 23.

The Chin reference purportedly concerns achieving integrity of AMA records generated by a switch in the telephone network by generating test calls and then monitoring and then processing the AMA records generated by those switches in the network which handled the test call. Abstract, lines 1-5. The Chin reference further refers to including monitoring including tracking for the AMA records that have been generated for the test calls and then processing those records such that the contents of the fields forming the records are analyzed to determine that the data contained therein is correct. Abstract, lines 5-9.

The Chin reference refers to a system having a call generation element 20, an information retrieval element 40, and a processing element 50. Col. 3, lines 21-24. Apparently, the system 10 performs the function of tracking records generated for telephone calls and processing the records such that fields forming the records are analyzed to determine if data contained therein is correct. Col. 3, lines 25-28. The Chin reference refers to a step 20, where a test telephone call is generated by a SAGE box or an Ameritech box, the generation of the call creating billing records at step 20 and ultimately yielding expected data usually generated upon the completion of a call regarding the specific details of the telephone call in question. Col. 3, lines 29-37. The Chin reference further states that from the generated call at step 20, a signal is passed through the switching system, or switch, of the systems under test at step 30, where such systems under test may include, among others, switching systems such as the AT&T 4ESS.TM. and AT&T 5ESS.TM.. Col. 3, lines 38-51. The Chin reference then describes that from the switch, or plurality of switches, of the systems under test at step 30, information regarding the telephone call in question is generated at step 30 and retrieved at step 40, where such information is retrieved by copying the information through the use of data trapping, rather than redirecting records from a billing system to a structure for performing analysis. Col. 3, lines 52-58.

Claim 18 is directed to a system for validating connection-related communications data collected by a digital switching exchange, including, among other things, a digital

switching exchange having a device for generating a plurality of communications data records for the respective test communications connection, and *the system evaluator having a device for recognizing communications data records which are assigned to any test communications connection*, and a comparator compares each of the communications data records that correspond to the respective reference data record. The Chin reference does not identically describe these features in its Fig. 1 or throughout its Specification. See Chin reference, Fig. 1, references 50 and 60, and accompanying text in its specification.

Accordingly, Applicants respectfully submit that claim is allowable because the Chin reference does not identically describe each and every feature of claim 18. Withdrawal of the rejection of claim 18 under 35 U.S.C. § 102(b) over the Chin reference is respectfully requested.

Claims 19 to 23 depend from claim 18 and are thus allowable for at least the same reasons as claim 18. And, withdrawal of the rejection of claims 19 to 23 under 35 U.S.C. § 102(b) over the Chin reference is respectfully requested.

Accordingly, it is respectfully submitted that all of claims 18 to 32 are allowable for at least the foregoing reasons.

CONCLUSION

In view of all of the above, it is believed that the objection to the Specification and the rejections of claims 18 to 32 should be withdrawn and that the Specification as submitted by Applicants on December 18, 2003 be entered as Specification of Record, and that claims 18 to 32 be deemed allowable. It is therefore respectfully requested that the present application issue as early as possible.

If a telephone interview would assist in furtherance of allowance of the present application, the Examiner is encouraged to contact the undersigned at the number below.

Dated: June 16, 2004

Respectfully submitted,

By: Richard L. Mayer
Richard L. Mayer
(Reg. No. 22,490)

(By: Quinda N. Smady
Reg. No. 47084)

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)

CUSTOMER NO. 26646